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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast) MM Docket No. 87-268 FCC 96-317
Service: Sixth Further Notice of) DOCKET FILE COPY ORIGINAL
Proposed Rule Making)

COMMENTS OF KY NEW ERA, INC.

I. Introduction

KY New Era, Inc., is a Kentucky corporation which owns and operates a Low Power Television station, WKAG-LP in Hopkinsville, KY. Since 1984, WKAG has been a continuously operating LPTV providing local programming. KY New Era hereby submits its comments in the above referenced proceeding.

II. Proposed Situation

Current plans call for the broadcast industry to switch to digital television transmission. The present proposal calls for all full service television stations in the United States to be granted a second channel which they will use to broadcast a digital signal during the lengthy transition to full digital service. *(The term full service should actually be termed full power, as service to the community of license is not a consideration. Many "full service" television stations offer no local programming, no local jobs,*

and no local community support.) The low power television industry, hereafter referred to as LPTV, is not taken into consideration by the FCC proposal.

The argument has been made that there is not enough spectrum to allow for allocation of an additional channel to LPTV and TV translators. Since these services are deemed secondary in nature with respect to spectrum allocation, there is a very real possibility that these could be eliminated. Depending upon whose allocation table you choose, 40-90% of existing stations could be eliminated if the switch to digital is made in such a manner.

Arguments can be made that digital television is a standard that will be too costly, that is not desired by the consumer, and that it will cause too many broadcast casualties. However, it seems that the die has been cast and that the switch to digital is a fact that is going to happen.

Therefore, in this document we will not attempt to dissuade the implementation of digital television, but rather to establish certain points that could allow a smoother and quicker transfer to this technology. We will compare the perception of small television to small radio, and we will analyze LPTV as an industry, and give arguments why it deserves a place in the broadcast world.

III. Television vs. Radio In Regard To The Small Broadcaster

If an alien from Pluto landed on earth tomorrow and studied Earth's broadcast industry, he would be amazed at the differences in which we view smaller broadcasters. For example...

The small radio broadcaster is considered the backbone of the broadcast industry. The small television broadcaster is considered "secondary", and is looked at with disdain and as a joke by many of it's full service counterparts.

The small local radio broadcaster provides their community with events that are not covered by larger radio broadcasters. These items include news reports, weather, local sports, ethnic programming and much more. The small local television broadcaster provides their community with events that are not covered by larger television broadcasters. These items also include news reports, weather, local sports, ethnic programming and much more.

Why the discrepancy? Because LPTV is a relatively new service. In radio, just about everyone starts in a small station and makes their move up. There is a nostalgia about small town radio, the "Mom & Pop" station that most broadcasters came from. Everyone has a special person that they worked for and respect, that *"taught them all they know"*.

There is not this sentimental attachment to LPTV. To the *full service* lobbying group, we are just taking up valuable spectrum and they don't want us there. The fact that we do the things that they can't, won't or will never do doesn't matter. To them, we offer no viable service. To them, we're in the way and regardless of the services that we offer, they would like to see us disappear.

IV. WKAG LP

Since signing on the air in the summer of 1984, WKAG (then W43AG) has become an integral part of the community that it serves. Our city of license is Hopkinsville, KY. The nearest *full service* television station is licensed approximately 35 miles from our city. It is licensed to a religious concern, and currently broadcasts Home Shopping. It originates no local programming that affects our area.

There are approximately 10-12 other *full service* licensees within 100 miles of Hopkinsville. Except in times of disaster or news of extreme notoriety, these stations never provide local coverage to the things that happen in the Hopkinsville-Ft. Campbell-Clarksville, TN areas.

Over the years, the residents of our area have grown to depend upon WKAG for coverage of their communities. We provide full or part time employment for over 40 people. We provide them with community activity information daily on our two hour morning show, including the opportunity to be interviewed about events that they are involved in.

We offer three live thirty minute newscasts each evening. **Our newscast was recently named the best live newscast in the state of Kentucky by the Associated Press.** We are especially proud that we won this award competing with *full service* broadcasters in cities such as Paducah, Hazard, Bowling Green and an Evansville, IN station which competed.

In addition to winning this prestigious award, we won first place awards for Best Continuing News, Best Breaking News, Best Feature Story, and Best Sports Special. All told, our station won ten awards in this competition, more than any other low power **OR** *full service* station in Kentucky.

WKAG has been responsive in providing insight to our viewers into the nation's political workings. We provide quarterly thirty minute programs called "*A View From The Hill*" for Kentucky's First District Congressman Ed Whitfield, and for Tennessee's Seventh District Congressman Ed Bryant.

In addition to these more serious topics, we broadcast local and regional sports, cover centrally located events like the Miss and Mrs. Western Kentucky State Fair Pageants, and many

other activities. Over 300 students annually attend secondary schools from our area on Rotary Student loans generated through a TV43 auction. This auction raised over \$230,000 last year, and its growth has been directly attributed to TV43. We also offer airtime for fund raisers for Crimestoppers and the local Spouse Abuse Center. These events only scratch the surface of our community involvement.

In summary, TV43's viewers don't care whether we are low, medium or full power. Our viewers know that we are truly a *full service* television station. Our viewers would lose a valuable commodity if TV43 were to disappear.

V. SOLUTIONS

We've talked about we perceive as the problems. Now we will outline some solutions that can help save the LPTV industry. Implementing some or all of the following ideas would help to salvage a viable industry, an industry of hard working broadcasters that provide community service. Broadcasters that give more than they take, and who for the most part are in this industry because they believe in it. They have entered this business, knowing that the odds, the government, their fellow broadcasters and financial institutions are not on their side. They have persevered because they believe in the concept of local television. They do not deserve to be erased from the airwaves, like you erase an errant stroke of the pencil.

In addition, the LPTV industry did not create the situation that we are now in. It seems highly illogical that the FCC, with its large number of employees and technical staff, would ask a small group of broadcasters to work out a problem that it (the FCC) created!

As a representative of the LPTV industry, I ask you to consider the following proposals -

1) First and foremost, NO SPECTRUM AUCTION until the transition to digital is complete and all stations are taken care of. If there is to be spectrum auction, we urge the FCC to ask Congress for a "buffer" time period before an auction takes place. This would allow time for a maximum number of stations to transition to digital.

2) Establishing a new class of LPTV. The current problem has been accentuated because of the variety of broadcaster that falls under the "low power" umbrella.

We propose that the FCC establish a new LPTV license called a PRIMARY LOW POWER TELEVISION station. Stations could be considered if they meet the requirements of the full service stations in Section 73. The FCC realizes that there a number of serious LPTV broadcasters who provide an important community service in the local, ethnic, and other positive programming they provide to the residents of their service area. We ask that the FCC develop a new, permanent class of low power broadcaster. These stations would accept the same responsibilities that the full power counterparts do, and at the same time fulfill the same programming requirements that these stations adhere to.

In return for providing the services, and accepting the responsibilities of full service broadcasters, the new primary class of low power station would receive first consideration for multiple channels in the switch to digital.

3) Relaxation of technical "taboos". Comments are being made from broadcast technical experts in other comments that address certain technical restrictions. These restrictions include adjacent channel restrictions, and the modification of current UHF taboos.

By allowing LPTV stations to increase their ERP to a level required to maintain a 15dB relationship with full service stations in their broadcast area, many adjacent channels will be opened to LPTV broadcasters. This will significantly reduce the number of LPTV casualties during DTV allotments.

There are other proposals of a highly technical nature that will allow further reduction in the number of stations that will be eliminated through digital television. We urge the FCC to consider the relaxation of these technical standards.

Proposals that remove or reduce the dual channel scenario

4) Require the conversion of the digital signal by cable television companies. If the cable industry were brought into this scenario, then the transition to digital television could be dealt with in an expedited and orderly manner.

NOTE! Under this scenario, all transitions by individual stations would take place on a single channel. There would be no second channel allocation.

The scenario would be as follows, using a sample target date for total digital transmission of 01/01/2005.

- Announcement is made that the migration to digital television will take place beginning on January 1, 2001. Total conversion will be completed by December 31, 2004. This gives the television set manufacturers a time frame to work from.

- Announcement is made that the first date that a station can begin digital broadcast is 01/01/01. Full service stations will be allowed to change to a digital signal anytime during the period of 01/01/01 to 12/31/03. This would give them three full years to make the necessary changes from analog to digital. These stations would work closely with their local cable companies, and the cable company would receive either the analog or digital signal, and deliver it in a usable form to the end users. For those households not on cable, they would have the choice of purchasing a hybrid television that could receive both digital and analog, or having both digital and analog televisions in their home. Full power stations not switched to digital by the end date would be deemed off the air.

- As full powers make their move to digital, or as individual cases would allow, low power broadcasters would begin making their move to the new digital service. As with full power stations, the actual change would be done relatively quickly, with plenty of announcement up front so that viewers don't get caught not receiving their stations. Low power change to digital could begin as early as early 2001, and would have the complete year of 2004 to finish the process. Low power stations not switched to digital by the end date would be deemed off the air.

This scenario allows every station in the United States to make the change to digital, using whatever channels the FCC would choose, and loss of license would be kept minimal. The times are suggested, and could be adjusted to whatever timetable the Commission wishes.

5) **Require that new television be able to receive both analog or digital.** Using this scenario, a timetable for a staggered transition to digital could be achieved, opening a series of channels that could be used by multiple stations as they install, test and eventually migrate to digital transmission.

There are hundreds of stations at risk. There are hundreds of communities that will lose their local television stations. There are thousands of people who could lose their jobs. Because of the secondary status of LPTV, money invested in this industry has come from individuals who believe in the cause. This money could be lost forever. In many ways, the low power television operator is the last pure broadcast pioneer. We urge you to try and find any solutions that can help save this endangered species!

Respectfully submitted,

KY NEW ERA, INC.

By WKAG LP General Manager



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